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December 21, 2018

By ECF

The Honorable Ann M. Donnelly
United States District Judge
United States District Court for the Eastern District of New York
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Brooklyn, NY 11201

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Re: *United States v. Dan Zhong*
Criminal Docket No. 16-614 (DLI)

Dear Judge Donnelly:

In accordance with the Court's directive at our December 11 status conference, we write to inform the Court about the parties' discussions concerning any possible agreement relating to the defendant's motion for Rule 15 depositions. We are waiting to hear back from counsel for the putative deponents (the "Witnesses").

On December 14, we discussed this issue with the government. The government proposed offering safe passage arrangements to the Witnesses to come to the United States for live testimony at trial or, failing that, to England for deposition testimony. Either of those locations would be acceptable to the defense. To make sure we had all options on the table in the event that the Witnesses declined to accept the government's safe passage proposal and travel to the United States or England pursuant to such an arrangement, we represented that we would be willing to participate by videoconference in any deposition in the UAE, so that both parties would be on equal footing. The parties agreed that the government would discuss the details of its safe passage proposal with counsel for the Witnesses.

As I understand it, thereafter the government and counsel for the Witnesses discussed the details and the limitations of the safe passage proposal. Counsel for the Witnesses is now in China to discuss the government's proposal with the Witnesses.

We will inform the Court as soon as we receive a definitive answer from the Witnesses' lawyer.

Respectfully submitted,

/s/ Robert J. Cleary

Robert J. Cleary

cc: AUSA Alexander A. Solomon (by ECF)
AUSA Douglas M. Pravda (by ECF)
AUSA Ian C. Richardson (by ECF)
AUSA Nicholas J. Moscow (by ECF)
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